

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: : Chapter 13
Sara Keenan, : No. 20-14061
Debtor :
Hearing Date: Wed., March 1, 2023
Time: 11:00 a.m.
Location: U.S. Bankruptcy Court
900 Market St., Ste. 400
Philadelphia, PA 19107

MOTION FOR RELIEF FROM THE AUTOMATIC STAY OF
SECTION 362 OF THE BANKRUPTCY CODE

Movant, Members 1st Federal Credit Union (“Members 1st” or the “Lender”), seeks relief from the Automatic Stay of Section 362 of the United States Bankruptcy Code, and requests an Order authorizing the Lender to exercise its rights and remedies under state law with regard to a certain motor vehicle, as more fully described below, pursuant to a Retail Installment Sale Contract executed by Sara Keenan (“Debtor”) in favor of the Lender and in support thereof, avers as follows:

1. Movant, Members 1st, is a federal credit union, having an office located at 5000 Marketplace Way, Enola, Pennsylvania 17025-2431.
2. Debtor filed a voluntary petition under Chapter 13 of the United States Bankruptcy Code on October 13, 2020 and was granted an Order for relief thereon.
3. Movant, Members 1st, is the holder of a secured claim by virtue of a Retail

Installment Sale Contract (the “Contract”) executed by Debtor. A true and correct copy of the Contract is attached hereto, made a part hereof, and marked as Exhibit “A.”

4. The Contract is secured by a 2017 Nissan Rogue V.I.N. 5N1AT2MV2HC828831 (the “Collateral”). A true and correct copy of the Commonwealth of Pennsylvania Certificate of Title is attached hereto as Exhibit “B.”

5. The Debtor is in default under the terms of the Contract for failure to make timely payments and is currently due for the February 1, 2022 payment.

6. The balance due on the Contract was \$22,175.09 as of January 25, 2023.

7. Debtor’s Modified Chapter 13 Plan indicates the Debtor intends to have the Trustee distribute the pre-Petition arrears; and Debtor shall pay directly to creditor monthly obligations falling due after the Bankruptcy.

8. Movant, Members 1st, has not received consistent monthly post-petition payments from the Debtor; Debtor’s last payment was December 1, 2022.

9. The balance remaining to cure the Debtor’s post-petition arrears is \$3,951.64.

10. The Debtor’s Modified Chapter 13 Plan has been confirmed.

11. Under the Contract, Movant, Members 1st, is entitled to immediate possession of the Collateral as a result of Debtor’s default.

12. As a result of the above defaults, Members 1st, seeks an Order allowing Members 1st, to immediately exercise its rights and remedies against the Collateral under applicable state law and directing that such relief is not subject to the stay under Bankruptcy Rule 4001(a)(3).

WHEREFORE, Movant, Members 1st Federal Credit Union, requests that this Court enter an Order, substantially in the form of the attached proposed Order, lifting the Automatic Stay imposed by Section 362 of the United States Bankruptcy Code to allow Movant to immediately exercise its rights and remedies under State law with respect to the Collateral, including, without limitation, repossession of the Collateral; an Order allowing Members 1st to immediately exercise its rights and remedies against the Collateral, without the application of Rule 4001(a)(3); and granting such other relief as the Court seems just.

BARLEY SNYDER

Date: February 8, 2023

By: /s/ Scott F. Landis
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